

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PETER M. BERNEGGER,

Plaintiff,

v.

Case No. 08-C-156

ROLAND BANKS,

Defendant.

ORDER

On March 3, 2011 this Court issued an order and judgment denying Plaintiff's motions to stay and strike and dismissing this action on account of Plaintiff's failure to comply with this Court's Order to Show Cause. Plaintiff has now filed a motion under Fed. R. Civ. P. 60(b)(4) in which he asks the Court to stay its March 3, 2011 order and judgment.

Plaintiff's present motion (Dkt. 94) is **DENIED** for the same reasons articulated in the Court's March 3, 2011 order. (Dkt. 92.) Once again Plaintiff's motion to stay has no bearing on his failure to initiate arbitration and provides no compelling reason for such failure. Plaintiff has had over two years to initiate arbitration but has failed to do so. Relief under Rule (60)(b) is granted only in exceptional circumstances. *See Dickerson v. Board of Educ. of Ford Heights, Ill.*, 32 F.3d 1114, 1116 (7th Cir. 1994). Such circumstances are not present here.

SO ORDERED this 31st day of March, 2011.

s/ William C. Griesbach

William C. Griesbach

United States District Judge